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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,269	01/20/2004	Kang Soo Seo	1740-000079/US	6870
30593 7590 07/23/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER DEBELIE, MITIKU W	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,269	Applicant(s) SEO ET AL.	
	Examiner Mitiku Debelie	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: The term “**them**” in the citation, “**and multiplexes them with the transport packets**” renders the phrase ambiguous. It could be arguable whether the term refers to the phrase “**video and/or audio stream**” or “**transport packets**”. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 11 – 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 11 defines a recording medium. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, *i.e.*, abstract idea, stored in a computer-readable medium, in computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 4 and 6 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Telecommunication Standard (ETSI ETS 300 743) and in view of Kuehnle et al. (U.S. Patent Number 3,697,176).

As to claim 1, European Telecommunication Standard (hereafter ETSI) discloses a method of (a) receiving graphic data including a plurality of graphic objects; and (b) organizing the plurality of graphic objects and color control information into a PES (Packetized Elementary Stream) packet and recording the PES packet on the recording medium, wherein the color control information is used in common for screen display by the plurality of graphic objects (see page 5, line 13, sections 3.1 and 4.10).

ETSI does not teach a recording graphic data on a recording medium.

Kuehnle teaches recording of graphic data on a recording medium (see Kuehnle Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate recording of graphic data as taught by Kuehnle to the method taught by ETSI in order to be able to retain graphic information for latter use.

As to claim 2, ETSI teaches a method wherein the plurality of graphic objects are an object set that is to be displayed on a single video page (see Fig. A.2).

As to claim 3, ETSI teaches a method wherein the color control information includes a global palette table (global CLUT) and a global transparency array (global CLUT) that defines transparent grade of every graphic object included in the PES packet (see section 4.1).

As to claim 4, ETSI teaches a method wherein said step (b) slices the PES packet, converts each slice to a transport packet and records the transport packets on the recording medium (see section 3.1).

As to claim 6, ETSI teaches a method wherein said step (b) inserts a decoding time stamp (DTS) and a presentation time stamp (PTS) for the graphic objects while organizing the PES packet (see section 5.1.2).

As to claim 7, ETSI teaches a method wherein said step (b) inserts display effect information for at least one graphic object while organizing the PES packet (A.6.1).

As to claim 8, ETSI teaches a method wherein said display effect information includes time information of display start (PCS PEF = 1) and end (PCS PEF = 0) of any of the graphic objects (see section A.3.3).

As to claim 9, ETSI teaches a method wherein time information is expressed in the number of ticks and has value of a multiple of N ticks where the N is the number of ticks for while a single video frame keeps displayed (see sections 3.1, 5.1).

As to claim 10, ETSI teaches a method wherein a structure for one of the graphic objects comprises an ID of object, an ID of actual image data, and actual image data (see sections 7.2.4, 8.1).

As to claim 11, ETSI teaches a recording medium including video and/or audio and graphic data, wherein the video and/or audio and graphic data are assembled in the form of transport packet; and a PES (Packetized Elementary Stream) packet made from some of the transport packet containing the graphic data includes a plurality of graphic objects and color control information that is used in common for screen display by the plurality of graphic objects (see page 7 -10, page 16, Table 1).

ETSI does not teach a recording on a recording medium.

Kuehnel teaches recording on a recording medium (see Kuehnel Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate recording of graphic data as taught by Kuehnel to the method taught by ETSI in order to be able to retain information for latter use.

As to claim 12, all the limitations of this claim have been analyzed in claim 2 above.

As to claim 13, all the limitations of this claim have been analyzed in claim 3 above.

As to claim 14, all the limitations of this claim have been analyzed in claim 6 above.

As to claim 15, all the limitations of this claim have been analyzed in claim 7 above.

As to claim 16, all the limitations of this claim have been analyzed in claim 8 above.

As to claim 17, all the limitations of this claim have been analyzed in claim 10 above.

6. Claims 5, 18 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Telecommunication Standard (ETSI ETS 300 743) and Kuehnle et al. (U.S. Patent Number 3,697,176) as applied to claims 1 – 4, 6 – 17 above, and further in view of Kwok et al. (U.S. Patent Number 5,387,940).

As to claim 5, claim 5 cites **“converts inputted video and/or audio stream to transport packets”**. This limitation reads on the limitation **“converts each slice to a transport packet and records the transport packets”**, which is analyzed in relation to claim 4 above.

ETSI does not teach multiplexing transport packets.

Kwok teaches multiplexing transport packets (see Kwok Fig. 5, column 4, line 65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to multiplex packets in order to transmit a plurality of packetized streams.

As to claim 18, claim 18 is different from claim 1 in that claim 18 is an apparatus claim whereas claim 1 is a method claim. All the limitations of claim 18 are analyzed in

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relation to claim 1 except the limitation **“means for multiplexing the series of video and/or audio PES packets and the PES packet including graphic objects in the unit of transport packet”**

Kwok teaches means for multiplexing the series of video and/or audio PES packets and the PES packet including graphic objects in the unit of transport packet (see Kwok Fig. 5, column 4, line 65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to multiplex packets in order to transmit a plurality of packetized streams.

As to claim 19, grounds for rejecting claim 2 apply for claim 19 in its entirety.

As to claim 20, grounds for rejecting claim 3 apply for claim 20 in its entirety.

As to claim 21, grounds for rejecting claim 6 apply for claim 21 in its entirety.

As to claim 22, grounds for rejecting claim 8 apply for claim 22 in its entirety.

As to claim 23, grounds for rejecting claim 10 apply for claim 19 in its entirety.

Inquiry

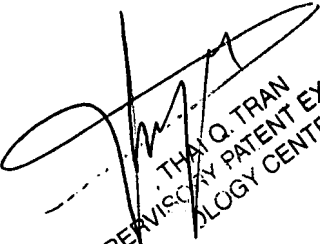
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitiku Debelie whose telephone number is (571) 270 1706. The examiner can normally be reached on Mon - Fri 8:00 - 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272 7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD
07/05/2007


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